system based on various constraints and criteria. The examiner has taken the position that Fabre discloses a scheduling system in which the scheduling problem is classified and the acceptance of the solution is a function of the classification. However, neither Matheson or Fabre disclose a scheduling system which is classified according to the specific parameters as recited in the independent claims.

For example, independent Claim 2 recites, inter alia, determining the classification of the problem as a function of the total trip time and the slack time and then selecting the criteria for acceptance of a solution as a function of the classification of the scheduling problem. There is no disclosure in Matheson or Fabre of the parameter "slack time" and thus there can be no disclosure in the cited art of the classification of the problem as a function of the slack time and total trip time. If the examiner persists in this rejection, the applicant requests that the examiner identify where the relationship between the slack time and total trip time is disclosed in the prior art.

Likewise, independent Claim 6 recites, *inter alia*, classifying the problem as a function of the resource exception and total trip time. There is no disclosure in the cited art of the classification of thus there can be no disclosure in the cited art of the classification of the problem as a function of the resource exception and total trip time. If the examiner persists in this rejection, the applicant requests that the examiner identify where the relationship between the resource exception and total trip time is disclosed in the prior art.

The examiner's stated basis for the obviousness rejection is that the claims are

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directed to optimization of known scheduling methods. As applicant has provided in the past, the examiner may not rely on an optimization rejection unless the examiner can show that the parameters being optimized have been recognized in the prior art are results effective parameters. Here the parameters have not been recognized at all in the cited art and thus could not have possible been recognized as results effective parameters. In response to the final Office the applicant directed the examiner's attention to the specification which identifies the claimed parameters set forth above as results effective parameters. The examiner's Advisory Action was wholly unresponsive. The examiner asserts that the claimed parameters are not results effective if another method achieves the same result. Clearly this can not be the case as there can be many results effective parameters. Figure 12 show one embodiment of applicant's claimed disclosure in comparison to an ideal trajectory. Note that the ideal trajectory was not an output of a prior art scheduler, but even if it was as asserted by the examiner, the existence of another prior art scheduler that can achieve the ideal trajectory does not mean the recited parameters are not results effective.

With respect to the examiner's comments in the Advisory Action regarding Claims 2-7 not claiming a scaling parameter, Claims 2-7 are patentable as discussed above without regard to the limitations of a scaling parameter recited in Claims 13-17.

Reconsideration and allowance of Claims 2-7 and 13-17 is requested. Applicant requests that the examiner contact the applicant's representative upon receipt of this paper to discuss the subject matter discussed herein.

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Respectfully submitted,

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